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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<p>JOHNSON &amp; JOHNSON HEALTH CARE SYSTEMS INC.,  Plaintiff,  v.  SAVE ON SP, LLC,  Defendant.</p>	<p>Civil Action No. 22-2632 (ES)(CLW)  <i>Document Electronically Filed</i>  <b>DECLARATION OF E. EVANS WOHLFORTH, JR., ESQ., IN SUPPORT OF MOTION TO SEAL</b></p>
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I, E. Evans Wohlforth, Jr., submit this Declaration in support of Defendant Save On SP, LLC's ("SaveOnSP") Motion to Permanently Seal portions of the Joint Letter dated August 11, 2023 (the "Joint Letter") [ECF No. 142], including permanently sealing portions of Exhibit 18 and permanently sealing Exhibits 4-17 and 19-21 to the Joint Letter.

1. I am an attorney duly authorized to practice law in the State of New Jersey and a member in good standing of the bar of this Court. I am a member of the law firm of Robinson & Cole, LLP, counsel for SaveOnSP.

2. I submit this Certification in accordance with Local Civil Rule 5.3 based upon my personal knowledge in support of the Motion to Seal. The information that SaveOnSP seeks to seal consists of SaveOnSP's confidential, internal information and communications about its business operations, strategies, and internal programs, which SaveOnSP asserts is proprietary business information.

3. In accordance with Local Civ. R. 5.3(c)(3), attached hereto as Appendix A is a table documenting all materials to be sealed, the nature of the materials to be sealed, the legitimate private or public interest which warrants the relief sought, the clearly defined and serious injury that would result if the relief sought is not granted; and why a less restrictive alternative to the relief sought is not available. In summary, the information that SaveOnSP seeks to protect from public disclosure is SaveOnSP's proprietary business information.

4. In accordance with Local Rule 5.3(c)(3)(f), this office contacted Plaintiff's counsel via e-mail to inquire as to Plaintiff's position on whether the materials that are the subject of this Motion should remain sealed. Plaintiff's counsel has not yet stated whether it consents or objects to the relief sought in this instant motion.

5. Redacted versions of the documents containing SaveOnSP's confidential information are being filed with this Motion pursuant to Local Rule 5.3(c)(4), to ensure that the sealing is by the least restrictive means possible.

6. SaveOnSP asserts that it has a legitimate interest in maintaining the confidentiality of the redacted information contained in these documents and in avoiding the

public disclosure of this information because it includes SaveOnSP's proprietary business information, the disclosure of which would grant SaveOnSP's business competitors an unfair competitive advantage. *See e.g., Rosario v. Doe*, No. CIV. 08-5185 RMB, 2013 WL 3283903, at \*2-3 (D.N.J. June 25, 2013) (Bumb, J.) (sealing records containing private medical information or proprietary information); *Goldenberg v. Indel, Inc.*, 2012 WL 15909, at \*3 (D.N.J. Jan. 3, 2012) (granting motion to seal "commercially sensitive and proprietary non-public business information"); *Bracco Diagnostics, Inc. v. Amersham Health Inc.*, 2007 WL 2085350, at \*9-10 (D.N.J. July 18, 2007) (granting motion to seal where the public availability of documents containing confidential business information would have put a party at a competitive disadvantage).

7. SaveOnSP further asserts that it has an interest in maintaining the confidentiality of the redacted information contained in the Joint Letter [ECF No. 142]. SaveOnSP seeks to redact information, pulled from SaveOnSP's internal, confidential records, regarding SaveOnSP's business strategies and programs. SaveOnSP seeks to permanently seal portions of Exhibit 18, which is a letter from SaveOnSP's counsel to JJHCS's counsel marked Attorneys' Eyes Only, which discuss information regarding SaveOnSP's payment processing practices. SaveOnSP also seeks to permanently keep under seal Joint Letter Exhibits 4-17 and 19-21, which include internal, confidential communications regarding SaveOnSP's business strategies, proprietary agreements, and services. The disclosure of this information would harm SaveOnSP by granting competitors and other industry participants unfair, direct insight into SaveOnSP's business and financial strategies, and thus should remain under seal. *Goldenberg*, 2012 WL 15909, at \*4 (granting motion to seal "commercially sensitive and proprietary non-public business information").

8. Accordingly, SaveOnSP respectfully requests that the Court seal the unredacted versions of the Joint Letter and Exhibits 4-21. SaveOnSP submits that there is no less restrictive alternative available.

9. SaveOnSP respectfully submits that it has satisfied the criteria for sealing a judicial record set forth in Local Civil Rule 5.3. Accordingly, SaveOnSP requests that the Court grant its motion to seal materials.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 25, 2023

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